

REMARKS

Claims 39, 41 and 43-45 are rejected as being obvious over Okada et al. (US 5,672,158) in view of Fandetti et al. (US 3,645,562) and further in view of Hamilton et al. (US 1,738,996). Applicants respectfully traverse.

The examiner's response to Applicants' previous arguments dismisses them on a yet further mischaracterization of Okada. Applicants' argument is that claim 39 specifies an **elongated** outer tubular body having a lumen and an elongated inner tubular member nested within the lumen of the **elongated** outer tubular body. Amazingly, the examiner's response is that flange 37 shown in Fig. 9 satisfies the limitation of an elongated outer tubular body because flange 37 engages groove 40 of sheath section 32 "from the outside."

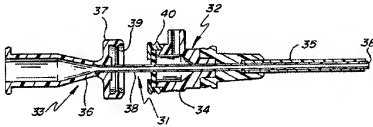


Fig. 9.

However, as plainly evident, flange 37 is not an "elongated tubular body" as required by claim 39. As such, the flange also does not have the recited lumen. The entire limitation must be considered and satisfied for a valid rejection. The claim limitation cannot be parsed into snippets, nor can portions of the limitation be ignored when applying it to the prior art. Merely having one portion of dilator section 33 that fits around the outside of one portion of the sheath section 32 does not satisfy the full recitation of the "elongated outer tubular body" limitation of claim 39. Claim 39 recites a very specific structural arrangement. The rejection and the examiner's response to Applicants' arguments impermissibly mask significant aspects of that structural arrangement.

The examiner's response further ignores that claim 39 requires that the elongated inner tubular member be nested within the lumen of the outer tubular body *to longitudinally move and rotate therein*. By identifying flange 37 as the outer tubular body, necessarily absent from Okada are the further limitations of longitudinal movement and rotation of the sheath hub 34 within dilator hub 36. Clearly, once hub 34 with groove 40 is snapped into place within flange 37 of dilator hub 36, there is no longitudinal or rotational movement of hub 34 within hub 36. Moreover, Okada describes this in detail and without question at column 4, lines 46-65. In fact, flange 37 and groove 40 are expressly designed to restrict relative rotation or axial movement. See col. 4, lines 54-55 ("...it does not happen that the dilator section 33 and the sheath section 32 rotate relatively or are displaced in the axial direction...").

Accordingly, regardless of whether either of Fandetti or Hamilton has any relevance, the combination of them with Okada as set forth in the final office action fails to result in the claimed subject matter, as a whole, set forth in claim 39. Thus, claim 39 and dependent claims 41, 43, 44 and 45 are patentable and the obviousness rejection should be withdrawn.

However, as to Fandetti, it should be noted that the coupling device disclosed therein, like the locking mechanism in Okada, is located externally of the tubular members to couple the ends of the two tubular members together. Thus, even though Fandetti discloses a bayonet connector type fastening mechanism, substitution of it for the locking mechanism in Okada nevertheless does not result in the claimed subject matter, as a whole, that is set forth in claim 39.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. A prompt action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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